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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,342	10/20/2003	Ludwig Busam	CM2536CQ	2901

27752 7590 07/11/2005

THE PROCTER & GAMBLE COMPANY  
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CINCINNATI, OH 45224

EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/689,342	Applicant(s) BUSAM ET AL.	
	Examiner Donald Loney	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 2-5, filed April 22, 2005, with respect to the rejection(s) of claim(s) 1-14 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1--9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 56-140153 cited by the applicant.

JP 56-140153 discloses a corrugated fiber sheet containing a line pattern of thermo compression bonding and/or welding dots 1. This is considered a pattern line since the applicant, on page 16, lines 5-10 and figure 6 also disclose the line pattern can be dots. The dots connect at least two corrugations. The dots can be considered as two sets of lines that criss-cross (first and second line patterns per claim 3) as applicant

recites, and shows in figure 6. The pattern can also be continuous per claim 7 (refer to page 5, lines 15-18). Refer to figure 7 along with page 2, last paragraph through page 6, paragraph 3.

4. Claims 1, 2, 8, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani et al (6586076).

Mizutani et al discloses a corrugated fiber sheet with what one can consider a line pattern of heat bonded regions 2C that connect corrugations. This region is considered embossed heat bonded since the molds 11,12 or rollers 21, 22 are heated to improve the moldability of the sheet and connecting part 2C when forming the same. Refer to figures 4 and 6 along with column 4, line 17-54, column 5, lines 27-65, column 6, lines 1-51 and column 9, lines 29-40.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56-140153 in view of Easley et al (3653382).

The primary reference teaches the invention substantially as recited except for the corrugations being deformed (i.e. flattened into a pleated type structure) as recited in claim 14 and shown by applicants' figures 4B and 4C. See the 35 U.S.C. 102 rejection above.

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Easley et al teaches to form embossed patterned lines 6 that run non-parallel to the flattened corrugations. Refer to figures 1-3 showing a flattened type structure as recited by the applicant and shown in figures 4B and 4C referred to above.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to JP 56-140153 to deform the corrugated sheets, as taught by Easley et al, in order to form a flattened type structure (i.e. pleated) therefrom, motivated by the fact Easley et al teaches to emboss the structure with lines 6 that run non-parallel to the flattened areas. It would also be obvious to one of ordinary skill in the art to form the bonding in the vale region of the corrugation motivated by the fact JP 56-140153 shows the bonding 1 at the bottom of the sheet in figure 1. The flattened corrugations, bonding in the vale section of the corrugation and the properties recited in claims 10 and 11 would be obvious to one of ordinary skill in the art motivated by the fact JP 56-140153 discloses that the bonding is done in order to improve strength, control linting and improve softness, all of which are controlled by the bonding features of the sheet.

2. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al.

The primary reference teaches the invention substantially as recited except for the properties of claims 10 and 11 along with the additional second bonding pattern of claim 9. See the 35 U.S.C. 102 rejection above.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Mizutani et al to form a sheet of the loft specified

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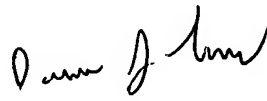
motivated by the fact that Mizutani et al teaches that it is known that one wants to retain the soft feeling and cushioning properties of the sheet (column 1, lines 41-45) in order to provide a superior product there from with desired properties for a particular application. Also, the secondary bonding pattern of claim 9 would be obvious to one of ordinary skill in the art motivated by the fact it would supply additional bonding there to, if one desired so, in order to form a product of desired properties for a particular application.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJL:D.Loney  
07/08/05

  
Donald Loney  
Primary Examiner  
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